

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA

v.

RICHARD D. GORDON

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No. 1:05-cr-50  
Chief Judge Curtis L. Collier

**ORDER**

Defendant Richard D. Gordon (“Defendant”) requested a psychiatric/psychological evaluation on June 15, 2005 (Court File No. 5). The request was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Magistrate Judge Lee received an October 3, 2005 letter from Cole Jeter, Warden of the Federal Bureau of Prisons, in Fort Worth, Texas, and a Forensic Evaluation of Defendant. The findings in the evaluation are Defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, and Defendant did not appear to suffer from a mental disease or defect rendering him unable to appreciate the nature, quality, or wrongfulness of his alleged offense.

Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on June 14, 2006 (Court File No. 41). On the basis of the waiver and the evaluation, Magistrate Judge Lee recommended the Court find Defendant competent to understand the nature and consequences of the proceedings against him and able to assist in his defense, and further find defendant is competent to stand trial (Court File No. 42). Defendant has filed no objections to the magistrate judge’s R&R.

Therefore, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 42) pursuant to 28 U.S.C. § 636(b)(1)(C), and hereby **ORDERS** the following:

- (1) The defendant is able to assist in his defense and is competent to understand the nature and consequences of the proceedings against him; and
- (2) The defendant is competent to stand trial.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**